#478

BILL NO. Z-91-06-07

ZONING MAP ORDINANCE NO. Z-12-91

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an POD (Professional Office) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

> Part of the East one half of the Southeast Quarter of Section 32, Township 32 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to-wit:
>
> Beginning at the Northwest corner of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana; thence South 0 degrees 7 minutes West a distance of 961.74 ft. (962.5 ft. Deed); thence East a distance of 181.03 feet; thence North 0 degrees 7 minutes East a distance of 961.74 ft. (962.5 ft. Deed) to the North line of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence West along said North line of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 181.03 feet to the place of beginning containing 4 acres of land, more or less, subject to legal streets and highways and easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. S-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held af due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, da of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 7-9-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (~~SPECIAL~~) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-12-91 on the 9th day of July, 1991

ATTEST: (SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 1991 at the hour of 4:00 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of July, 1991, at the hour of 6:15 o'clock P M.,E.S.T.

PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

GENERAL FORM NO. 382

CK # 1001

RECEIPT

No 10839

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., May 16 19 91

RECEIVED FROM Renaissance Development $ 300.00

THE SUM OF Three Hundred and no/100's DOLLARS

ON ACCOUNT OF Rezoning Appl & Pre Dev. Plan - POD

4402 E. State

PAID BY: CASH ☐ CHECK ☑ M.O. ☐

W. E. D.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Richard Herbert Murphy and Bessie M. Murphy
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an POD District the property described as follows:

(See attached Exhibit "A" for legal description.)

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4402 E. State Blvd.

Fort Wayne, IN 46805
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Richard Herbert Murphy	4402 E. State Blvd. Fort Wayne, IN 46805	x Richard Herbert Murphy
Bessie M. Murphy	4402 E. State Blvd. Fort Wayne, IN 46805	x Bessie M. Murphy
B		
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

James A. Federoff, Esq.	P.O. Box 800 Fort Wayne, IN 46801-0800	(219) 422-0800
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

LEGAL DESCRIPTION OF REAL ESTATE

Part of the East one half of the Southeast Quarter of Section 32, Township 32 North, Range 13 East, Allen County, Indiana, being more particularly described as follows, to wit:
Beginning at the Northwest corner of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana; thence South 0 degrees 7 minutes West a distance of 961.74 ft. (962.5 ft. Deed); thence East a distance of 181.03 feet; thence North 0 degrees 7 minutes East a distance of 961.74 ft. (962.5 ft. Deed) to the North line of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence West along said North line of the East one half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, a distance of 181.03 feet to the place of beginning containing 4 acres of land, more or less, subject to legal streets and highways and easements of record.

EXHIBIT "A"

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

FACT SHEET

Z-91-06-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From RB to POD		

DETAILS

Specific Location and/or Address

4402 E State St

Reason for Project

Development of a Professional Office District

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

(See Attached Minutes of Meeting)

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Richard H & Bessie M Murphy City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☒ For ☐ Against Reason Against
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 16 May 1991

Projected Completion or Occupancy — Date 26 June 1991

Fact Sheet Prepared by — Date 26 June 1991
Patricia Biancaniello

Reviewed by — Date 27 June 1991
Michael A Sapp

Reference or Case Number

Bill No. Z-91-06-07 - Change of Zone #478
From RB to POD
4402 E State Bl

Primary Development Plan for Fort Wayne Oncology & Hematology Company

Jim Federoff, attorney, representing the petitioner appeared before the Commission. Mr. Federoff stated that this is a 4 acre tract located immediately to the west of the Orthodontic Office Building owned by Dr. Dillinger. He stated that they felt their request would provide a logical extension of the professional office zoning that has occurred in the past. He stated that the proposed structure to be located on the property is a one story medical office building containing approximately 14,800 sq ft with a basement. He stated that they have relocated the entrance to the property to the east as suggested by staff. He stated that the building is located in the middle of the tract with two parking areas in the front and in the rear. He stated that the parking area in the front is for patient parking and the rear will be for employees. He stated that the surface drainage was a concern. He stated that the topography is such that it drains naturally from west to east and there will be subterranean pipe located in the parking area with catch basins that will collect the surface drainage and discharge it at the southwest portion of the site. He stated that hopefully the work that will be done will assist the surface drainage of the adjacent subdivision. He stated that medical waste was a concern of some the areas residents that they spoke with. He stated that by law the medical waste that is used by the practice has to be stored in puncture proof containers and has to be kept in a locked room. He stated that there will be no medical waste in the dumpsters. He stated that the landscaping is another important issue. He stated that the recommendation of staff is to mound the front of the traffic along E. State Street and also the west and east property lines. He stated that they met with Kingston Park Subdivision and the concern they heard from the residents was that they would prefer not to have the 6' high mounding. He stated they feel that the mounding will act as a dam for surface water drainage and also they felt they would rather have a more open view. He stated that they have no objections to the conditions stated by staff other than the mounding along the west.

Tom Cashen, 1922 Mathias Street, President of the Kingston Park Neighborhood Association appeared before the Commission. Mr. Cashen stated that they have met with the Renaissance representatives and they feel that the developers have done their homework and were most accommodating to the peoples concerns.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

#478

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4402 E State Bl

2-91-0607

EFFECT OF PASSAGE Property is currently zoned RB - Suburban Residential. Property will become P O D - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-91-06-07

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. S-14

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
David C. Long			
C. Edmonds			
J. Bradbury			

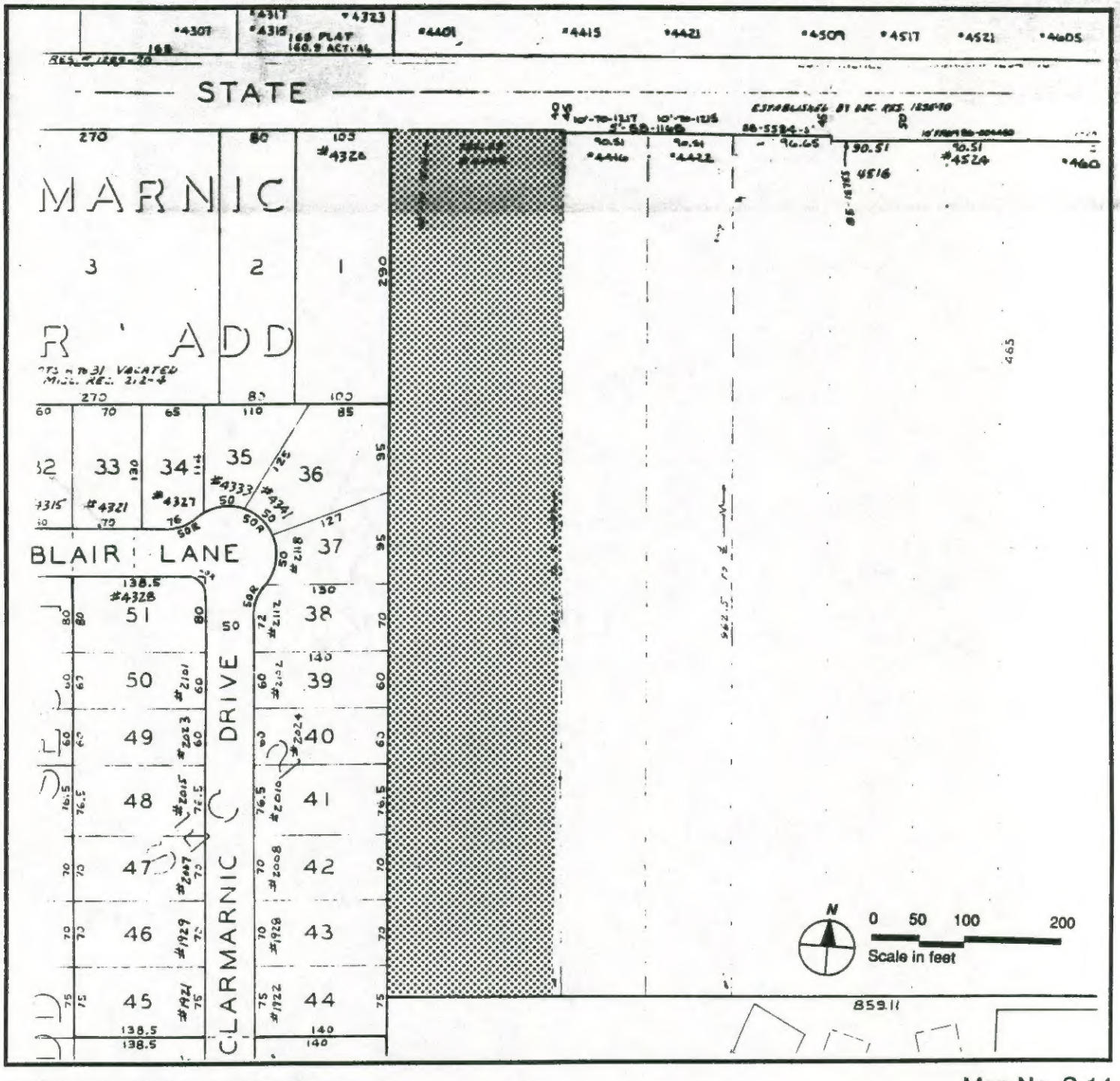
DATED: 7-9-91.

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #478



COUNCILMANIC DISTRICT NO. 2

Map No. S-14
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		